(b) if so, the details thereof; and

(c) what will be the effect of this declaration of Indian Drug Industry?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI RAJIV PRATAP RUDI): (a) to (c) Doha Declaration on the TRIPS Agreement on Public health affirms that the TRIPS Agreement can and should be interpreted to protect public health and promote access to medicines for all. The Declaration recognizes the affordability and availability of medicines as a universal right. The Ministers agreed that the TRIPS Agreement does not and should not prevent Members from taking measures to protect public health. The Declaration reaffirms the Members' right to use, to the full, the flexibility of compulsory license and parallel import for the purpose of public health. It clarifies that the Government have freedom to determine the grounds to grant compulsory licenses. The Declaration also clarifies that each Member has the right to determine what constitutes a national emergency or other circumstances of extreme urgency for issuing compulsory license on an expeditious basis. The Declaration also clarifies that each Member is free to establish its own regime for exhaustion of IPRs.

The Declaration recognizes the problem of countries with insufficient or no manufacturing capacities in the pharmaceutical sector in effectively using the flexibility of compulsory license and instructs the TRIPS Council to find an expeditious solution to this problem and to report to the General Council before the end of 2002. The Declaration provides that the LDC Members will not be obliged, with respect to pharmaceutical products, to implement the provisions of the TRIPS Agreement relating to patent protection and undisclosed information until 1.1.2016.

The Declaration would allow more flexible interpretation of the provisions of the TRIPS Agreement in undertaking measures to protect public health. The declaration clarifies the flexibilities available in the TRIPS Agreement relating to compulsory license and parallel import and removes ambiguities in the developing countries about freedom to utilize these flexibilities. The Indian Pharmaceutical industry would also benefit in catering to the demand generated by authrization of parallel import and compulsory license.

Extension of TRIPS Provisions

490. SHRI RAMA MUNI REDDY SIRIGIREDDY: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether Government have any proposal to seek extension of TRIPS provisions for dispensation of items other than wines and spirits under Article 23;

(b) whether any such proposal has been submitted before the WTO;

(c) if so, by when; and

(d) what are the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI RAJIV PRATAP RUDI): (a) to (d) India has been demanding in the Council for TRIPS that the higher level of protection as is available to wines & spirits under Article 23, should be extended to geographical indications of other products also.

India in a Joint submission along with Bulgaria, The Czech Republic, Egypt, Iceland, Kenya, Liechtenstein, Pakistan, Slovenia, Sri Lanka, Switzerland and Turkey has submitted a proposal in this regard in the TRIPS Council on 2nd October, 2000 and further supported this proposal vide Joint submission on 17th March, 2001 and on 17the September, 2001. Ministerial Declaration at Doha has directed the Council for TRIPS to address as a matter of priority, the issue of extension of the protection of geographical indications provided for in Article 23 to products other than wines and spirits and to report to the Trade Negotiations Committee in this regard by the end of year 2002 for appropriate action.

Decline in industrial growth

†491. DR. MANMOHAN SINGH:
SHRIMATI SAVITA SHARDA:

Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether Government are aware that industrial growth in 2001-2002 is likely to be the lowest in the last twenty five years;

(b) if so, the reasons therefor; and

(c) the steps being taken by Government to accelerate the pace of industrial development?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (DR. RAMAN SINGH): (a) As per the latest available data the growth rate achieved during the current financial year (April-December 2001-02) has been 2.3%, which is among the lowest growth rates achieved in industrial production in the last twenty-five years.

†Original notice of the question was received in Hindi.